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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,541	10/24/2003	Phillip B. Hess	047711-0322	1122
23392	7590	12/13/2005	EXAMINER A, MINH D	
FOLEY & LARDNER 2029 CENTURY PARK EAST SUITE 3500 LOS ANGELES, CA 90067			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/692,541

Applicant(s)

HESS ET AL.

Examiner

Minh D A

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-34 and 47-53 is/are allowed.
- 6) ☒ Claim(s) 35-46, 54-58 and 60 is/are rejected.
- 7) ☒ Claim(s) 59 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's communication filed on 9/29/2005 has been carefully considered by the examiner. The arguments advanced therein are persuasive with respect to the rejection of record, and those rejection are accordingly withdrawn. In view of a further consideration, however, a new rejection is set forth below. This action is not made final.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 35-36, 38-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Canipe (US 5,786,763).

Regarding claim 35, Canipe discloses an antenna multiplexer with isolation of switching elements for providing a core (64); and (60) for winding a first coil (26) for transmitting/receiving electromagnetic signals about the core (64); (620 for winding a second coil (26'))(remark by examiner, see figure 5) for transmitting/receiving electromagnetic signals about the first core and the first winding (60); and each switches (42, 44 and 46) are connected to (circuit (12)) for activating the first coil separately from the second coil(26'). See figures 2-5, col.4, lines 35-67 to col.7, lines 1-52.

Regarding claim 36, Canipe discloses the core is air core. See col.4, lines 50-65

Regarding claims 38-40, Canipe discloses the first winding is wound as a helical solenoid around the first core or wherein the first winding can be wound as a rectangular solenoid around the first core or the second winding is wound as a helical solenoid around the first core. See figure 1-5, col.4, lines 50-67.

Regarding claims 41-46, Canipe discloses wherein the second winding is wound as a rectangular solenoid around the first core or a third winding, wherein the third winding is disposed about the first core, the first winding and the second winding

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 37, 47-58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Canipe (US 5,786,763).

Regarding claim 37, Canipe does not disclose wherein the first core is a ferrite. It would have been an obvious matter of design choice to use the first core is a ferrite, since applicant has not disclosed that the first core is a ferrite can be solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the core is the ferrite or would not provide any improvement but merely apply the invention in different presentation.

Regarding claims 47-58 and 60, Canipe discloses the first winding and second winding for generating the first magnetic field, but does not explicitly disclose the first winding and second winding in response to a data signal; and wherein the second winding generates the second magnetic field in response to the same data signal and the first winding and the first winding at a first time and to the second winding at a second time different from the first time. It would have been an obvious matter of design choice to employ Canipe in any desired interest for time or data signal in order to maximize the usage of his invention, since it appears that the invention would not provide any improvement but merely apply the invention in different presentation.

***Allowable Subject Matter***

6. Claim 59 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-34, 47-53 are allowed

The following is an examiner's statement of reasons for allowance:

Prior art does not teach that, wherein the first winding and second winding are wound such that, a direction of a first magnetic field generated by the first winding is different that the direction of a second magnetic filed generated by the second winding, wherein the activation circuitry activated the first winding separately from the second winding and wherein the yet further winding is serially connected to the second winding in combination with all limitations recited in independent claim claims 1, 19.

The prior art does not teach that, a first core disposed on an implantable unit; a local first winding disposed about the first core for transmitting/receiving RF signals; at least one local second winding for transmitting/receiving electromagnetic signals disposed about the first core and the local first winding; a second core disposed on a remote unit; a remote first winding disposed about the second core for transmitting/receiving RF signals; and at least one remote second winding for transmitting/receiving electromagnetic signals disposed about the second core and the remote first winding, wherein magnetic fields are coupled between the local first winding and the at least one local second winding on the first core and the remote first winding and the at least one remote second winding on the second core recited in independent claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kropoelnicki et al (US RE37,835 E) and Cern et al. (US 6,646,447) are cited to show a core antenna.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Minh A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 –2:30 PM).

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and (703) 872-9319 for final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (571) 272-1553.

Primary Examiner  


Minh A

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11/31/05